

# **EXHIBIT C**



COUNTY OF SANTA BARBARA

Planning and Development

# Santa Barbara County Land Use & Development Code



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**35.52.060 - Treatment and Processing Facilities**

This Section describes treatment and processing facilities and uses that are subject to regulation and provides standards for their location and operation.

**A. Applicability.** The requirements of this Section shall apply to structures, equipment, or facilities necessary and incidental to:

1. Separation and/or dehydration of oil, gas, and water obtained from an offshore area.
2. Treatment and/or processing plants, excluding those described under [Section 35.52.050 \(Oil Drilling and Production\)](#) above.

For the regulations listed under Subsection [35.55.040.B](#) (Treatment and Processing Facilities - Findings for Development Plans approval within the South Coast Consolidated Planning Area) below, the terms "new production" or "new oil and gas production" or "new gas production" refer to:

3. The development of oil and/or gas that, after June 10, 1988, requires new discretionary local, State, or Federal permits unless it is from an existing well or platform; or
4. The development of oil and/or gas that, after June 10, 1988, requires approval of a new platform, or a new subsea or onshore well completion.

An operator who claims that a constitutionally protected vested right exists within the scope of existing permits to process new production at a facility that is not at a County designated consolidated site may apply to the Commission for a determination of exemption to allow processing of that production at the nonconsolidated site.

The request shall be accompanied by evidentiary support reasonably available at the time of filing. The Commission shall hold a hearing on the request within 60 days of filing. The Commission shall determine the scope of the applicant's existing permits and whether the applicant, by obtaining and relying on the permits before adoption of these policies, has acquired, under California law, a vested right to process new production at a facility other than a County designated consolidated site.

The Commission may continue the hearing either with the consent of the applicant and the Department, or to allow or require the applicant or the Department to submit additional evidence or legal analysis. More than 90 days total continuance shall not be granted unless the parties consent or the Commission finds that additional evidence is needed because a decision cannot feasibly be presented within the allotted time. The Commission shall decide the matter within 30 days after the evidence and analysis has been submitted.

The applicant shall reimburse the County for all reasonable costs incurred in determining the claim of exemption.

**B. Development standards.** In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zone in which treatment and processing facilities are allowed, the following standards shall apply.

1. **Noise.** The level of noise generated by the facility at or beyond the property boundary shall not exceed 70 dB(A).
2. **Outdoor lighting.** Lights shall be shielded to ensure that lighting is confined to the project site.
3. **Visible gas flares.** Visible gas flares shall not be allowed except for emergency purposes unless deemed infeasible for a particular operator.
4. **Grading.** Grading and alteration of natural drainages shall be minimized.
5. **Erosion.** Adequate provisions shall be made to prevent erosion and flood damage.
6. **Prevention of access.** The site shall be enclosed with a fence or wall to prevent unauthorized access.

7. **Truck operation hours and routes.** It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. of the next day upon streets within a residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff, Fire Department, or Petroleum Administrator. This regulation shall go into effect and shall apply to streets or parts of streets only after signs giving notice of the prohibition are posted at entrances to the affected streets or parts of streets. Truck routes shall be reviewed for proposed oil or gas facilities to ensure that oil field support traffic is not routed through residential neighborhoods, unless alternative routes do not exist.
8. **Noxious odors.** Noxious odors associated with the facilities shall not be detectable at the property boundary.
9. **Equitable, nondiscriminatory access to consolidated facilities.** Within the South Coast Consolidation Planning Area, operators and owners of County designated consolidated facilities and sites shall make their facilities and property available for commingled processing and consolidation of oil and gas facilities on an equitable and nondiscriminatory basis. If existing processing capacity is insufficient to accommodate proposed production and necessary new facilities are not allowed in compliance with the County's consolidated policies, operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers.
10. **Transportation of processed oil.**
  - a. **Overland pipeline transport.** Oil processed by facilities that receive oil from offshore fields exclusively or from both offshore and onshore fields shall be transported from the facility and the County to the final refining destination by overland pipeline, except in the case of highly viscous oil or during an emergency, as stipulated below. For the purposes of this Subsection, final refining destination shall mean a refinery in California where final refining of the subject oil into products is accomplished. In addition, oil shall be considered to reach its final refining destination if the oil has been:
    - (1) Transported out of the State of California, and does not reenter before final refining; or
    - (2) Transferred to truck or train after leaving the County by pipeline and does not re-enter the County by truck or train, and is not transferred to a marine terminal vessel for further shipment to a port in California before final refining.
  - b. **Other transportation methods.** Transportation by a mode other than pipeline may be allowed only:
    - (1) For that fraction of the oil that cannot feasibly be transported by pipeline; and
    - (2) When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible.

In all cases, the burden of proof as to the infeasibility of transport by pipeline and the need for alternative transportation modes shall be on the shipper.

- c. **Highway or rail transport of highly viscous oil.** A Development Plan may allow transportation of highly viscous oil by highway or rail only if the Director finds that the oil is so highly viscous that pipeline transport is infeasible, taking into account available options (e.g., modifications to existing pipelines, blending of natural gas liquids). This finding shall be in addition to findings required for approval of Development Plans in Subsection 35.82.080.E (Findings required for approval), Section 35.55.040 (Treatment and Processing Facilities - Findings for Development Plans).
- d. **Emergency temporary transport by waterborne vessel.** Temporary transport of oil by waterborne vessel may be authorized under an Emergency Permit if the Governor of the State of California declares a state of emergency in compliance with Public Resources Code Section 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced offshore

of the County. In this case, the oil transported by waterborne vessel shall be limited to that fraction that cannot feasibly be transported by pipeline. Transport by waterborne vessel shall cease immediately when it becomes technically feasible to resume pipeline transport.

11. **Additional standards if deemed necessary by Commission.** In addition, the following development standards shall be applied to the extent deemed necessary by the Commission.
  - a. **Visual compatibility.** The installation shall be visually compatible with the existing and anticipated surroundings by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained, and camouflage and/or blending colors.
  - b. **Monitoring system.** A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, shall be required as a condition of approval.
12. **Facility and site abandonment within the South Coast Consolidation Planning Area.** The County shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic mean) over any 12 consecutive months, does not exceed three percent of the facility's maximum permitted operating capacity. The review shall be conducted in a duly noticed public hearing to determine if facility abandonment or facility modifications are appropriate.

## 35.52.070 - Refining

This Section describes refining facilities and uses that are subject to regulation and provides standards for their location and operation.

- A. **Applicability.** The regulations of this Section shall apply to structures, equipment, or facilities necessary and incidental to the refining of oil.
- B. **Development standards.** In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zones in which refining is allowed, the following standards shall apply.
  1. **Compatibility with surroundings.** The facilities shall be visually compatible with the existing and anticipated surroundings by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; and camouflage and/or blending colors.
  2. **Outdoor lighting.** Lights shall be shielded to ensure that lighting is confined to the project site.
  3. **Visible gas flares.** Visible gas flares shall not be allowed except for emergency purposes unless deemed infeasible for a particular situation.
  4. **Grading.** Grading and alteration of natural drainages shall be minimized.
  5. **Erosion.** Adequate provisions shall be made to prevent erosion and flood damage.
  6. **Prevention of access.** The site shall be enclosed with a fence or wall to prevent unauthorized access.
  7. **Monitoring system.** A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, may be required as a condition of approval.
  8. **Noxious odors.** Noxious odors associated with the facility shall not be detectable at the property boundary.
  9. **Truck operation hours and routes.** It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. of the next day upon streets within residential neighborhoods. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator. This regulation shall go into effect and shall apply to streets or parts of streets only after signs giving notice of the